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Managing Immigration and Integration in the Czech Republic

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Introduction

Throughout the 1990s, the place of a strategy in the field of immigration and integration in the Czech Republic was occupied at first by the efforts to adjust the Czech legislation to international (*i.e.* western) standards, and, subsequently (in the second half of the 1990s), to the *acquis* of the EU. Only since 2000 have the first steps been made to formulate a more comprehensive set of immigration and integration policies. Since January 2004, the integration agenda was handed over from the Interior Ministry to the Ministry of Labour and Social Affairs which had already launched the Pilot Project for the Active Selection of Qualified Foreign Workers. (The project was approved in July 2002 and has been implemented by the Ministry since the summer 2003.) This project corresponds with the Principles of the Government Policy in the Field of Migration of Foreigners, adopted in January 2003. In this document, the support for "beneficial forms of migration" was stipulated as one of the basic principles of migration strategy, alongside combating illegal migration and contributing to the solution of humanitarian crises in the world.

This policy paper approves this direction and argues for an extension of the active immigration scheme (from the limitation to the three countries selected in the pilot project) to a program with universal scope as far as countries of origins are concerned. Drawing from the policies of Britain, Germany and France, the paper also argues for the introduction of other avenues of active immigration such as offers to stay for foreign students, and preferential treatment for highly qualified and creative persons (*e.g.* managers, artists), potential investors, and groups in a difficult situation in their countries of origin and with good integration potential (*e.g.* Jews). The administrative procedures should be adjusted in such a way that there be a continuous line of steps from immigration through the acquisition of permanent residence status to the possibility of naturalization. These, and other measures in the field of immigration and integration (see Part V), should become elements of a coherent immigration and integration strategy for the Czech Republic of the 21st century. The major middle-term goal of this strategy should be to transform progressively Czech society from an ethnic into a civic nation that is ready to embrace immigrants as its new members.

I. Migration in the Czech Republic since 1989

The political changes after 1989 had a radical impact on foreign migration to the Czech Republic. From 1990 until the present, the Czech Republic has changed from a country of emigration to a country of immigration. According to the official statistics, which, however, register only a segment of the real migratory flows, in the period 1990 - 2000 131,400 persons immigrated to the Czech Republic, while only 43,700 emigrated. Demographers distinguish three migratory phases. The first period started immediately after November 1989 with return migration and ended in 1992 with the increase of Czech-Slovak migration that reflected the approaching end of Czechoslovakia. In the second period (1993-1997), immigration from Slovakia decreased, while immigration from other countries increased. The third period (1998-2000) is characterized by a decrease in the intensity of foreign migration (Katedra demografie a geodemografie, 2002: 69-70).

This picture is not complete as it overlooks a significant group of migrants who live in the Czech Republic with a limited work and residence permit. The statistics including these migrants reveals a more dynamic scenario. In 1993, after the split of the Czechoslovakia, approximately 50,000 foreigners lived in the Czech Republic. Of them, 30,000 had a permanent residence permit, while 20,000 had a temporary residence permit. The category of foreigners with temporary residence permits was on the increase until 1996, while in the category of those with permanent residence permits the most significant increase occurred between 1995-1998. As of 31 December 2002, 231,608 foreigners lived in the Czech Republic. Thereof, 156,359 had a temporary permit and the 75,249 had a permanent residence permit (Migration Report, 2002:32-35). The foreigners in the Czech Republic represent around 2% of the population. Of EU countries, Italy (2.2%) and Finland (1.7%) have similar sizes of foreign populations. Most west European countries have a larger foreign population, *e. g.* Switzerland (19.6%), Austria (9.3%), Germany (8.9%), Belgium (8.3%), France (6.4%), United Kingdom (4.2%) and the Netherlands (4.1%). Lower percentages of immigrants live in Greece (1.5%) and in Portugal (1.2%).

II. Migration Policies of the 1990s

The migratory flows into the Czech Republic were shaped by many factors, such as labour migration during the socialist period (*e.g.* Vietnamese guest workers followed by Vietnamese small entrepreneurs), family relations and cultural and language affinity (migration from Slovakia, partly from Ukraine) or economic chances. The changing legislation that tolerated and later tried to structure and curtail migration also played a significant role. Since the mid 1990s, the responsible state authorities have launched the process of approximating the Czech migration legislation to the EU *acquis*. As regards the attempts of the state to manage migration and structure immigration, we can distinguish three migration periods after 1989.

The first period (1990-1995) is a laissez-faire period. The liberal approach of society to migration, which was the expression of the liberated *Zeitgeist* "allowed almost everybody to come to the territory and to do there whatever he wanted to do" (Drbohlav, 2001:218). The newly adopted Aliens Act of 1992 was a simple legal instrument. It did not intend to restrict migration, but rather to take a proper evidence of foreigners and to legalize the use of police measures against law-breakers. In this period, legal and institutional structures were created to provide reception and assistance to particular groups, such as asylum-seekers and refugees. The State authorities also assisted in return migration of particular groups of the descendants of Czech expatriates from Ukraine, Kazakhstan, and Rumania.

The second period (1995-2000) is a period of restrictions. The restrictive turn reflected domestic developments and concerns, first of all the increasing rates of unemployment which began to be perceived as a result of immigration, especially by Czech Roma who blamed Ukrainians for the jobs they had lost. On the other hand, the restrictive turn was brought about by an external factor – the accession process which forced Czechs to harmonize with the EU the *acquis* on migration. In spite of the shoddy legal foundations of various elements of the EU *acquis* of mid 1990s, candidate countries were requested to adopt them in their entirety. No wonder that the immense task of harmonizing migration policies with the EU was seen by the state authorities as "a migration strategy" in itself. The restrictive trends of this period reached

their peak with the adoption of the two twin acts, the Aliens Act of 1999 and the Asylum Act of 1999 that came into force on 1 January 2000.

III. Migration and Integration Policies since 2000

The third period (from 2000 up to the present) is characterized by new approaches and endeavours to create more comprehensive and self-confident immigration policies. This shift has been caused by the realization that the harmonization with the EU - in principle completed with the 1999 Aliens Act and Asylum Act – does not tackle a number of pressing issues. The current phase has been characterized by three elements:

(A) development of the "catch-all" integration policies since 1999/2000

(B) efforts to introduce active immigration policies

(C) adoption of the first overall migration strategy in 2002

(A) Integration Policies

In 1998-99, the Ministry of the Interior took two important steps towards the development of integration strategy. It set up a specific central structure – an advisory body for integration policies - the Commission for the Integration of Foreigners and Community Relations (further Commission for Integration) and elaborated the Principles of the Strategy for the Integration of Foreigners. This document, approved by Government in July 1999, was followed by the Strategy for the Integration of Foreigners, approved by the Government in 2000.

The main goal of the Strategy is "bringing the status of legally and long-term settled foreigners as close as possible to the legal status of citizens". An important part of the Strategy – the Proposal for Strategic Measures – elaborates on implementing mechanisms: the creation of structures and networks for implementation of the integration policies. It also defines the roles of various actors and deals with support for research, improving statistics and the financing of various projects. The institutional processes which the Strategy sets up additionally in 2001 are the plans for integration policies by the key ministries and the setting up of the advisory bodies for the integration of foreigners at the state district levels. Interestingly, the Strategy left the very word "immigrant(s)" out, thereby avoiding a thorny issue whether (and to what extent) Czech society is (or should be) conceived of as a society of immigration.

The implementation of integration strategies brought about some positive results. These are summed up in two government papers, the Information on the Implementing of the Strategy of Integration (2001) and the Effectiveness of the Strategy (2002). They involve, inter alia, the following observations:

- * key ministries prepared integration plans for the sectors within their competences. In some cases they managed to interpret the general "fair treatment principles" into more specific standards and put forward concrete proposals for legislative and other changes,

- * increased knowledge of immigrant communities (provided by the studies commissioned by the Ministry) improved statistics and helped to improve the knowledge of immigrants about their rights through targeted information campaigns,

- * projects facilitating the integration of immigrants were supported by state grants,

- * newly established advisory bodies at the district level carried out monitoring of the situation at the local level.

Present Period of Integration Policies (since January 2004)

Besides positive results, the experience also indicated the pressing need to reform integration strategies and their implementing mechanism. First, the devolution of powers to regions and municipalities, completed as of 1 January 2003, diluted the ability of the central government to influence policies at the local level. Second, it became clear that the integration agenda has predominantly social aspects, and thus it would be better placed within the competence of the Ministry of Labour and Social Affairs. Third, the model, in which the Commission, as an advisory body that meets several times in a year, was supposed to play the role of a decision-making body, turned out not to be sustainable. Thus, the shifting of the competence to the Ministry of Labour and Social Affairs as from 1 January 2004 can bring a new dimension to integration policy. Remarkably, it coincides with the EU Thessaloniki strategy, which views integration not primarily as a matter of fair treatment, but rather as an element of social cohesion and economic welfare.

(B) Active Immigration Policies

During the 1990s, the Ministry of Interior played a leading role in immigration and integration issues. The initiative for a change in immigration policies originated, however, in the Ministry of Labour and Social Affairs. Inspired by Canadian immigration schemes, the international department of the ministry elaborated and pushed through the Pilot Project of the Active Selection of Qualified Foreign Workers, approved finally by the Government in July 2002. The aim is to attract and select immigrant families with a high integration potential. In its initial phase, which has not yet come to its end, the project has been limited to three countries, Bulgaria, Croatia and Kazakhstan. The goal is to extend the project to other countries. Although the drafters of the project did not omit its proper presentation with the public, it met mostly with reserved attitudes, both from media and from expert circles.

(C) Migration Strategy

The demanding harmonization of Czech migration legislation with the EU acquis, together with disputes regarding administrative competencies of various government agencies, resulted in the first migration strategy The Principles of the Government Policy in the Field of Migration of Foreigners, adopted in January 2003. The Principles should be the basis for "building a modern and focused immigration policy". They stress the "central managerial role of the state" in migration, but also the importance of co-operating with the non-governmental sector and local authorities. The Principles set three major goals:

- » combating illegal migration
- » supporting "beneficial forms of migration"
- » contributing to the solution of humanitarian crisis in the world.

As the Action plan to Combat Illegal Migration adopted in summer 2003 suggests, the principles have started to operate as an overarching basis for policy creation in the migration field: the plan involves a set of preventive measures and calls for the facilitation of issuing work permits. It also wants to combat illegal migration by addressing the situation in the countries of origin.

In 2000, the Czech Republic achieved the level of harmonization of immigration and integration policy necessary to enter the EU. Since achieving this turning point, a new space has opened up for the articulation of more creative, self-conscious immigration and integration strategies. Nowadays, Czech society is facing the same problems as West European countries. In many aspects of immigration and integration policies, it is on a similar level of development (*e.g.* the new and differentiated approach toward labour migration, the creation of programmes for permanent immigration, the addressing of integration through central bodies). Therefore, the development and experiences of West European countries can be the main source of inspiration in this field.

IV. Last Developments in France, Great Britain and Germany

Around the turn of the century, France, Great Britain and Germany have all explicitly recognized that they are countries of immigration and formulated quite similar migration- and integration policy frameworks. Their migration policies converge on two points. On the one hand, active immigration policy schemes are designed to attract and recruit young and high-skilled labour migrants that would contribute to economic growth, fill labour shortages, compensate for aging home populations, and thereby ensure sufficient input into the welfare and pension systems. On the other hand, an extensive apparatus is deployed to restrict and limit the immigration of unwanted (low-skilled, culturally alien) groups which are portrayed as liable to disrupt the social order and drain welfare state resources. For this restrictive purpose, special measures are introduced to fight illegal immigration. At the same time, asylum legislation is revised and refined so that it be able to capture and offset an alleged surge in "bogus asylum seekers".

France, Britain, and Germany also converge on the strategic guidelines for their integration policies. On the one hand, they try to build a clear procedural line connecting immigration to naturalization so that the passage from settling and residence to citizenship is as easy as possible. On the other hand, they have shifted the onus of accommodation onto the immigrants. There has been a strong tendency in recent years to temper the celebration of diversity (driven by the liberal multiculturalism of the 1970s and 1980s) with stress on the obligation of immigrants to adapt and accept the basic values and cultural givens of the receiving society. This emphasis on national "unity" over multicultural "diversity" received new momentum in the wake of "9/11" terrorist attacks which intensified the perception of the rise and increased threat of Islamic terrorism (if not outright islamophobia).

Integration is no longer perceived as a matter of choice for an immigrant; it is no longer something that is desirable but cannot be enforced. Rather, it is the main precondition of acceptance. New policies are designed not only to integrate those already present in the territory, but also to filter potential migrants according to their capacity for integration and willingness to do so. In this task, all the three examined countries have drawn inspiration from traditional migration countries, but also from some new experiments carried out in the Netherlands during the 1990s. France, Britain and Germany try to develop new immigration programmes, which exhibit strikingly similar premises:

» integration is to be managed by the central government, with the involvement of other actors countrywide,

- » integration programmes should include all new immigrants (not only specific groups, such as refugees); they may also involve old immigrants on a voluntary basis,
- » compulsory language education and testing should be a precondition for acquiring the status of a permanent resident (Germany, France) or nationality (U.K.),
- » stress is put on civic education and adherence of the new immigrant to the fundamental values of the host society, such as the rule of law and equality; a new emphasis is also put on enhancing the practical capacity to function in the host society,
- » there is a strong tendency (Germany, France) to formulate the new integration policies in the liberal rhetoric of "contract", albeit the terms of the contract are drawn only by one side. The old rhetoric of "rights" is overridden by the rhetoric of "freedom to choose".
- » Non-compliance with the integration requirements is sanctioned.

IV. Lessons from Western Europe and Recommendations for the Czech Republic

From the historical experiences and last developments in France, U.K. and Germany, we can draw inspiration and lessons at least in three aspects, ranked on the scale from the most general to the concrete.

- (A) as regards historical and cultural circumstances for the reformulation of the conceptual basis for new strategies and policies
- (B) as regards adequate and effective methods of policy making in the field of immigration and integration
- (C) as regards concrete measures and programmes

(A) Cultural Conditions and the Conceptual Premises of the New Immigration and Integration Policies

(1) Similarly to German society, the Czech society understands a nation first and foremost as an ethnic and genealogical community. The ethnic concept of nationals as descendants of the mythical "forefather Czech" is the major barrier to the construction of a national identity based on citizenship rather than on ethnic origins. In Germany, the turnaround of 1989 resulted in reunification, which relieved the Western state from its ethnic mission. For the Czechs, on the contrary, the break up of Czechoslovakia hampered the transformation of the ethnic nation into a political nation. To a certain extent, paradoxically, European integration has not helped either, since it has built a stage for the exhibition of fears for the "national existence" and "identity" of ethnic Czechs. The restructuring and transforming of national self-understanding cannot be done by a decree; it is not a matter of a piece of legislation. It can only be influenced indirectly and in the long run, for instance, by school curricula which emphasise the multiethnic character of the history of the Czech lands up to World War II. The multi-ethnic legacy of the past should help Czechs to open up to a multi-cultural and civic nationhood. On the other hand, immigration and integration strategy should send a clear message to immigrants that one need not be born Czech, but can also become Czech out of his/her own will, free decision and efforts.

(2) One of the striking differences between the understanding of immigration and integration issues in France, the UK and Germany on the one hand and in the Czech Republic on the other is how immigration and naturalisation is viewed. In the former countries these processes form an integrated whole, while in the latter case, they are treated separately. The Czech understanding of

integration is still that of "integrating foreigners" into the host society, not that of "incorporating immigrants" into the nation. The Integration Strategy of 2000 pays lip service to naturalization by declaring it an accomplishment of integration. However, naturalization rules have never been included into the reform of the legislation concerning aliens. That must change. The linking of immigration and naturalization issues and rules is the premise of a consistent integration policy. Only by connecting immigration and naturalization issues can we create an end-to-end and credible integration mechanism.

(B) Methods of the Policy-making in the Field of Immigration and Integration

(3) In France, the U.K. and Germany, the taking of strategic, far-reaching decisions in the immigration field is a political issue par excellence. The alternative solutions are proposed and discussed in political parties, movements, civil society, the media, and, finally, in the parliamentary debates. In spite of some positive signals recently, in the Czech Republic immigration and integration issues are still, to a large extent, an administrative matter, and the actual debates take place outside normal political discourse and procedure. Thanks to that, there is no acute danger of an unreasonable and populist solution being adopted. On the other hand, this nourishes a sense of irresponsibility among political forces and the public regarding immigration and its consequences. This attitude has to change. In order to find consensual, sustainable long-term solutions, immigration and integration issues should become a legitimate subject of an on-going public discussion and a standard item of party programmes.

(4) In France, the U.K. and Germany, the substantial proposals for solution of immigration issues are elaborated with the close involvement of experts. It is not a simple one-way process from expertise to political program, though. Rather, politicians study experts' proposals and recommendations carefully and assess which ones are both acceptable and feasible and, therefore, can become a part of their political program. Thus, each of the major reforms was preceded by a comprehensive expert analysis and political discussion. In the Czech Republic, the responsible authorities have also tried to involve experts in finding solutions. Their involvement in the Commission for Integration is a case in point. The results are, however, not very convincing so far. An independent political analysis of migration and integration issues is missing. One step forward could be to establish a research institute or centre for migration, modelled after similar research institutes affiliated to ministries. (Note that the German reform also proposes the establishing of such an institute.)

(C) Concrete Measures and Programmes

(5) In France, U.K. and Germany, the new pressure on migrants to integrate is balanced by an offer (actual or proposed) of language courses and other integration tools. Even if actual experience with how such measures could enhance integration is limited, the Czech authorities should consider it seriously. The language problem of the immigrants is not smaller but rather greater than that of the immigrants in the studied West European countries. In contrast to English, French, or German, Czech is not a world language. This may make some migrants more reluctant to spend time studying it. Therefore, if we agree that the language assimilation is a pre-condition of full societal integration, greater assistance should be offered to immigrants in this regard. Two issues should be considered. First, what is the proper language requirement and at

what stage of the integration pathway it should be requested and tested. Second, how the financial burden is to be shared between the host society and the new arrivals.

(6) In comparison to west European countries, as well as the proposed EU draft directives, there is a considerable lack of any flexible measures of more relaxed, preferential treatment for the categories of migrants such as researchers, scientists, university teachers, top managers, investors. (The first positive signal in this direction is the newly proposed inclusion of all foreign university graduates into the Active Selection of Qualified Foreign Workers Project.) Since the absence of flexible schemes for these categories may have a bad impact on the competitiveness of the Czech economy, there is a pressing need to introduce such schemes, as proposed by the draft EU directive on the conditions of entry and residence of third country nationals for the purpose of paid employment and self-employed economic activities.

(7) As soon as possible, the Czech Republic should introduce a more flexible system enabling and attracting permanent immigrants ("new settlers"). The pilot project of the Active Selection of Qualified Foreign Workers should be quickly extended and reformulated to become universal, that is, without limitations to certain countries. (After all, preferential treatment for immigrants from certain countries having historically no close links to the Czech Republic, is not only unusual in the European context, but, more importantly, unsustainable on the ground of fair treatment. The authors are right to say that the recipient country may choose new immigrants, but this argument fails if foreigners who have already entered the country are treated according to their nationality.) In shaping and introducing the permanent immigration scheme, the Czech Republic may contribute to solving humanitarian crises in the world by taking into account also the situation of the "to be immigrants" in their home country and their origin, such as is Jewish origin (see Germany) or their belonging to a minority in need. Following in the footsteps of West European countries, the Czech Republic should also make use of the potential of foreign university students and should allow them to stay in the country after they have completed their education. The pathway to permanent immigrant status should be made shorter for all, by cutting the "waiting period" for a permanent residence permit to maximum of five years for all.

(8) An integral part of all reform should be an aspect of transparency and manageability of the system, in particular from the point of view of the immigrants. It is most urgent to analyse and introduce the "one stop government system" proposed by the draft EU legislation (and also Germany).

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